

**Bangladesh**

**Trade Marks Rules**

Government of the People's Republic of Bangladesh

Ministry of Industry

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SCHEDULE (Omitted)

## **Chapter I**

### **1. title**

This Rule may be called the Trademark Rules, 2015.

### **2. Definition**

(1) Unless there is anything repugnant in the subject or context, in this Rule -

1. "Act" means the Trade Marks Act, 2009 (Act No. 19 of 2009);
2. "Gazette" means a trademark Gazette published under Rule 74;
3. "Schedule" means any Schedule to this Rule;
4. "document" shall include any form and any document filed under this Rule;
5. "Article" means any Article of the Act;
6. "Registrar" means the Registrar of Trade Marks referred to in Article 3;
7. "registration book" means registration book trademark referred to in Article 4;
8. "Vajra Mark" means any trademark or certification mark used or proposed to be used in connection with textile products;
9. "branch office" means a Branch of the Trade Marks Registry established under paragraph (2) of Article 3;
10. "Registry" means the Trademark Registry referred to in Article 3;

(2) All words or expressions used in this Rule which are not defined shall have the same meaning as they are used in the Act.

### **3. form**

(1) "Form" means the form set forth in the First and Second Schedules.

(2) An application shall be made by any person to the Registrar in the form referred to the First Schedule for the trademarks registration under the law and other matters.

(3) The Registrar may amend the form by publishing a notice in the Gazette and the said amendment shall come into effect one month after the notice is published in the Gazette.

(4) All amended forms shall be displayed on the website of the

Registry within 3 (three) days of their effective date.

#### **4. Procedure for Determination and Payment of Fees**

(1) For the form referred to column (1) of the Third Schedule, the fee referred to column (3) against it shall be applicable and the applicable fee shall be paid at the time of submission of the form.

(2) Fees shall be paid through electronic transmission by bank draft or pay order from any commercial bank approved by Bangladesh Bank to the Registrar or by following the instructions issued by the Registrar.

#### **5. Format of forms and documents, language, etc.**

(1) The forms and documents shall be as follows: -

- (a) ISO A4 size and minimum 80gsm white color paper, with a left margin of four centimeters;
- (b) in Bengali or English; and
- (c) durable, legible and permanent.

(2) If any form or document is not submitted in accordance with paragraph (1) of this Rule, the Registrar may refuse to accept it and he may issue a notice in Form TMR-12 to the applicant giving the details of how to submit the document.

(3) If a copy of any document is filed in the Registry, it shall be certificated by the trademark representative, attorney or legal authority of the country concerned and the Registrar shall

- (a) decide whether to accept or not the document within 5 (five) days of receipt it; And
- (b) direct that the original document is filed with the Registry within the prescribed period.

(4) Notwithstanding any other provision of this Rule, the Registrar may, with the approval of the Government, permit the filing of documents by electronic mode and the conditions to be observed in this case shall be published in the form of public notice or by any other means of publicity.

#### **6. Signing the document**

(1) The form submitted to the Registry shall be signed as follows: -

- (a) in the case of an individual, by the concerned person ;

(b) in the case of a partnership firm, by all the partners or by partners authorized on behalf of all the partners;

(c) in the case of a society other than a partnership firm, by its secretary or by any of its members empowered by the society;

(d) in the case of a statutory body, company, institution, etc., by its director, secretary or chief officer or by any of its officers empowered for the purpose.

(2) Each form shall contain the full name and title of the signatory and, as the case may be, the authority of the signature.

(3) In case of a partnership firm, the form submitted shall contain the full names of all the partners.

(4) Notwithstanding anything contained in the other provisions of this Rule, a document or form, signed by the licensor or the concerned person, filed with the Registry shall be signed by an authorized trademark representative or attorney in Form TM-10, provided that, if the Registrar considers it necessary, the document or form shall be signed by the applicant, the opposer, the registered proprietor or the registered user or the concerned person.

#### **7. Issuance of notice or document**

(1) Any notice or document under the Act or this Rule shall be issued by registered mail to the address filed with the Registrar under Rule 8.

(2) Unless anything to the contrary is proved, if any document under paragraph (1) of this Rule is sent by mail to the proper address, it shall be deemed to have been delivered at the time when it should have been delivered in the ordinary course of the postal department.

#### **8. Address of filing, etc.**

(1) Any person subject to the Act or this Rule shall file his full address with the Registrar.

(2) If an applicant, opponent, registered owner or registered user of a trademark or any party to any proceeding pending with the

Registrar does not reside or carry on business in Bangladesh, he shall submit the address of the issuance of the letter in Bangladesh in Form TM-10 and such address shall be deemed to be his actual address.

(3) If any written communication is made to the address referred to this Rule, it shall be deemed to have been made to the proper address, however it may also be communicated through electronic means.

(4) If there is any doubt as to the notified address recorded in the Register, the Registrar may at any time request the business office of the owner whose address is recorded to confirm the issuing address or submit a new address in Form TM-10 or otherwise. If the address is not confirmed or a new address is not submitted within 2 (two) months of the receipt the request, the registrar may remove the said address from the register.

(5) If the reported address for filing documents is not submitted to the Registrar under this Rule, the Registrar shall have no duty under the Act and this Rule to issue notices or letters and likewise shall have no duty to raise questions against any subsequent order or decision on the pretext of not issuing such notices or letters.

#### **9. Classification of goods, services and textiles**

For the purpose of trademark registration, goods and services shall be classified in the manner set forth in the Fourth Schedule and Textiles in the manner set forth in the Fifth Schedule.



## **Chapter II Procedure for registration of trademarks**

### **10. Application for trademark registration, etc.**

(1) For registration of any trademark, certification trademark, collective mark or guarantee mark for goods or services, an application with 3 (three) copies in TM-1 form shall be submitted to the Registrar with the applicable fees.

(2) Every application shall relate to one of the classes of goods or services listed in the Fourth Schedule and for the purposes of this rule, separate applications shall be filed for the registration of the same mark for use in different classes of goods or services.

(3) If an application of registration is filed for different goods or services that in the same class, it shall contain detailed information regarding the use of the mark.

(4) If an applicant claims a priority date in his application, documents to support it must be submitted along with the application.

### **11. Replica of Mark**

(1) A replica of the mark shall be pasted in the prescribed blank space in the application form. However, if the size of the replica of the mark is larger than the prescribed space, it has to be attached separately with the application form.

(2) If the Registrar considers that the substance on which the trademark has been affixed cannot preserve the characteristics of the trademark, he may, by issuing a notice in Form TMR-12, direct the applicant to re-submit the trademark on the substance so directed.

(3) The replica of the mark shall be clean and durable. If the Registrar is not satisfied with the replica of any mark, he may issue a notice in Form TMR-12 and request substitution of another satisfactory replica before proceeding with the application.

(4) If it is not possible to file a replica of the mark within 2 (two) weeks of the issue of the notice under paragraph (2), then, subject to the permission of the Registrar, a specimen or replica of

the mark in a complete or reduced scale shall be filed in any convenient form.

(5) A replica of each series mark shall be attached with the application for registration of series trademark under Article 12.

## **12. Transliteration and Translation**

If the trademark contains letters, words or phrases in any language other than English or Bengali, the following documents should be submitted along with the application form, namely: -

(a) transliteration and translation of every letter or word into Bengali or English;

(b) a description of the language to which the letter or word concerned belongs; And

(c) Statement of certification by the applicant, trademark representative or attorney in the application form stating that he is proficient in Bengali or English language including the language of the said letters or words.

## **13. Acknowledgment of receipt of application for trademark registration**

(1) Subject to the provisions of paragraph (2), on the same day after receiving an application for registration of a trademark for a goods or service other than a certification mark, the Registrar or the designated officer shall, on a first-come, first-served basis, acknowledge receipt by assigning a serial number.

(2) Date of receipt or serial number shall not be given unless the following information or documents are included in the application form, as follows:

(a) full name and address of the applicant;

(b) detailed description of goods or services listed as different types of goods;

(c) class of goods or services;

(d) a clear replica of the trademark;

(e) if priority date is claimed, supporting documents thereof;

(f) Signature of applicant or trademark representative or attorney on application form and applicable fee.

(3) If the application is filed by a trademark representative or attorney, TM-10 form should be filed along with TM-1 form.

#### **14. Application Test**

Registrar within 2 (two) months from the date of receipt of application for registration of any trademark

(a) In respect of the applied trademark, check whether the conditions referred to in Articles 6, 8, 9, 10, 11, 67(1) and 120 have been violated and record the same in TMR-4 form;

(b) In order to prevent the use of the applied trade mark from causing fraud or confusion in the future, check any previously registered trade mark or previously submitted applications for the same goods or services or for the same type of goods or services, or for goods or services of the same description, or to resemble or misleadingly similar to such goods or services and record it in form TMR-4.

#### **15. Objections to applications and their prosecutions**

(1) The Registrar, after considering the examination and inquiry of an application for registration of a trademark under Rule 14 and any proof of use of the mark, or obviousness or any other matter, which the applicant may submit, any objection, condition, amendment, modification or restrictions about the application, he may notify the applicant in writing in TMR-12 form of such objection, condition, amendment, modification or restriction within 10 (ten) days of completion of examination and inquiry of the application under Rule 14.

(2) Within 2 (two) months from the date of notification under paragraph (1), the applicant shall file a written reply to such objection, condition, amendment, modification or restriction or apply for hearing in Form TM-23, which may be applied for extension of time up to 2 (two) months provided to submitted Form TM-19.

(3) If a written reply is not filed within the time prescribed under paragraph (2) or an application is not made for hearing, the application shall be deemed to have been abandoned by the applicant; Provided that, within 5 (five) years after the issuance of the notice of abandonment of the application, there will be an opportunity to reinstate the abandoned application subject to payment of the prescribed fee.

(4) If an application is made for a hearing under paragraph (2), the

Registrar shall fix a date for the hearing within a maximum period of 1 (one) month from the date of the application and shall inform the applicant thereof.

(5) The Registrar or any officer designated by the Registrar shall conduct the hearing and cause the applicant himself or his trademark representative or counsel to attend the hearing.

(6) After receiving the written reply under paragraph (2) or after the hearing under paragraph (5), the Registrar shall take a decision on the trademark applied for and notify the applicant thereof in Form TMR-19.

(7) Within 1 (one) month of notification of the decision under paragraph (6), a request may be made to the Registrar in Form TM-15 to notify the reasons for the decision. If such request is made, the Registrar shall notify the reasons for the decision to the applicant within 1 (one) month of the receipt of the request.

(8) The date on which the decision shall be notified to the applicant under this Rule shall, in the case of appeal, be deemed to be the date of delivery of the decision by the Registrar.

### **Chapter III Publication of notice of application for registration**

#### **16. Issuance of notice of acceptance of application, etc.**

(1) Notice of application for registration of a trademark under Article 17 shall be issued through the Gazette.

(2) For the purpose of issuing a notice in respect of any application under paragraph (1), the Registrar shall issue a notice to the applicant for payment of the prescribed fee in Form TMR-5.

(3) If the applicant fails to pay the applicable fee within 1 (one) month after receiving the notice under paragraph (2), he shall be deemed to have abandoned his application.

(4) A decision should be withheld in respect of all applications where the registered owner of any other mark or any other applicant is directed by the Registrar in Form TMR-19 to file a written consent or notified in Form TMR-15, in which the notice mentions 'with consent' or 'with the notice of the said mark'.

(5) The Gazette shall contain the following information about the trademark application, as follows: –

- (a) full name and address of the applicant;
- (b) the full name and address of the trademark representative or attorney, if any;
- (c) the serial number of the application;
- (d) copies of trademarks;
- (e) a description of the nature of the mark i.e., whether it is general, guarantee, certification, collective or successive mark;
- (f) class of goods or services;
- (g) description of goods or services;
- (h) Priority Date, if any; And
- (j) Information regarding restrictions or limitations or rectification of application errors, if remains

(6) In the case of applications for successive trademarks, the Registrar may, if necessary, file a statement of the manner how the marks differ from one another, together with the notice of such application.

**17. Publication of notice in Gazette**

(1) The Registrar shall publish the application for trademark registration in the Gazette at least 3 (three) times a year.

(2) Adequate number of Gazettes should be published according to the general demand.

(3) The Gazette shall also be published through electronic means.

(4) The market representation shall be published at a proportional rate from each class of goods or services in the Gazette.

## **Chapter IV Opposition to registration**

### **18. Notice of opposition to registration and issue thereof**

(1) Within 2 (two) months from the date of publication in the Gazette of an application for registration under Rule 17, any person who oppose the registration may submit two oppositions to the Registrar in Form TM-5 along with the applicable fee.

(2) The notice of opposition shall state the grounds on which the opponent opposes the registration of the applicant's mark.

(3) Within 1 (one) month of receipt of the notice of opposition, the Registrar shall notify a copy thereof to the applicant for registration in Form TMR-7 in accordance with Rule 7.

### **19. Counter statement also issued**

(1) Within 2 (two) months of receipt of notice under paragraph (3) of Rule 18, the applicant for registration may file with the registrar two broad counterstatements in Form TM-6 along with the applicable fee.

(2) In the counter statement the applicant for registration shall state the arguments in support of his application and his statement on the allegations raised in the notice of opposition.

(3) Within 1 (one) month of receipt of the counter statement, the Registrar shall notify a copy thereof to the opponent of the registration through Form TMR-7 in accordance with Rule 7.

### **20. Filing and issue of evidence**

(1) Within 2 (two) months of receipt of the counter statement, the opponent may submit evidence in support of his opposition to the Registrar in form TM-18 and at the same time send a copy of such evidence to the applicant for registration.

(2) If the opponent does not file any evidence in accordance with paragraph (1), his opposition shall be deemed abandoned.

(3) Within 2 (two) months of receiving the evidence of the opponent, the applicant for registration may submit the evidence in support of his application to the Registrar in form TM-18 and at the same time

send a copy of the evidence to the opponent.

(4) If the applicant for registration does not submit any evidence in accordance with paragraph (3), the application for registration shall be deemed abandoned.

(5) Within 1 (one) month of the receipt of evidence under paragraph (3), the opponent may, if necessary, file counterevidence in form TM-18 and at the same time send a copy of such evidence to the applicant for registration:

Provided that the counter evidence shall be limited to the counter evidence filed by the applicant for registration.

(6) If no evidence is filed in accordance with paragraph (5), the Registrar shall take further action without further notification with the opponent.

(7) No party shall submit any further evidence at any time in pending proceedings before the Registrar under this Chapter except in the case of allowing any party to submit further evidence subject to costs or other conditions in his discretion.

## **21. Exhibitions**

(1) Where a party files any evidence or exhibit in affidavit form under this Rule, the party filing it shall, at the request of the other party and at the party's expense, serve on him a copy of the evidence or exhibit.

(2) All documents filed with the Registrar under this Chapter shall be available for inspection at the Registry.

## **22. Hearing and decision**

(1) On completion of the taking of evidence, the Registrar shall issue to the parties a notice of hearing in Form TMR-13 specifying a date of hearing not later than 1 (one) month from the date of its issue, unless the parties agree to a shorter notice.

(2) After receipt of notice under paragraph (1), any party desirous of holding a hearing shall file Form TM-7 with applicable fee within 14 (fourteen) days of receipt of notice.



(3) If a party does not file Form TM-7 with the Registrar before the hearing or does not appear at the hearing after filing the Form TM-7, in the absence of the party, the hearing shall be held or no hearing shall be held, and the Registrar may, in his discretion, pass a decision or enter any other appropriate order.

(4) If the Registrar gives a decision due to the absence of a party, he may, on the application of that party, reconsider the decision subject to conditions at his discretion or make any other appropriate order.

(5) If no party appears at the hearing, the Registrar may cancel the said proceedings, but the Registrar may, on application of any party, reconsider his decision or make any other appropriate order.

### **23. Notification of decision**

The Registrar shall notify the parties in writing in Form TMR-19 within 1 (one) month from the date of delivery of the decision.

## **Chapter V Special provisions relating to registration of certification trademarks**

### **24. Provisions applicable to registration of certification trademarks**

Subject to the provisions of Rule 25, the provisions applicable to the registration of trademarks under Chapters II, III and IV of this Rule shall also apply to the registration of certification trademarks.

### **25. Submission of Regulations with Application for Certification mark Registration, etc.**

(1) With the application for registration of certification mark under Article 58, TM-8 form shall be submitted along with the regulations related to the use of the certification mark and the details of the arguments in support of the application.

(2) If the Registrar has any comments about the details or regulations filed under paragraph (1), he shall notify the applicant thereof and the applicant shall accordingly amend the said details or regulations and submit two copies thereof to the Registrar.

(3) After receiving a copy of the revised details or regulations under paragraph (2), the Registrar shall, after preliminary examination, transfer the application, accompanied by the detail and regulations, to the Government.

(4) At any time before making a decision on an application, the Government, through the Registrar, may direct such applicant to submit the required information.

(5) After an application for registration of a certification mark is accepted by the Government, the Registrar shall notify the applicant to take action by publication in the Gazette in accordance with Rule 17, which notice shall state that the regulations adopted by the Government are available for inspection at the Registry.

(6) Within 2 (two) months after an application for registration of a certification mark has been published in the Gazette, any person may file with the Registrar a written opposition in Form TM-5 along with the applicable fee and the provisions of Rule 18 through 23 shall

apply to the amendment thereof with the necessary modifications.

(7) Regulations relating to the use of certification marks shall be recorded by the Registrar if approved by the Government.

## **Special provisions relating to registration of collective marks**

### **26. Provisions applicable to registration of collective marks**

Subject to the provisions of Rule 27, the provisions applicable to the registration of trademarks under Chapters II, III and IV of this Rule shall also apply to the registration of collective marks.

### **27. Application for registration of collective marks, etc.**

(1) In the case of collective mark registration, the collective mark usage regulations shall be submitted with the application form in TM-8 form along with applicable fee.

(2) Regulations governing the use of collective marks shall contain the following:

(a) Name and address of the association consisting of authorized persons

(b) the purpose of the association;

(c) particulars of members of the association;

(d) conditions of membership of the Association;

(e) the period of use of the mark; And

(f) any other relevant information required by the Registrar

(3) The applicant shall submit evidence certified by affidavit with the application or within such time as the Registrar may specify.

(4) The Registrar shall not register a collective mark if any person is likely to be confused as to the nature of the mark, in particular to be confused as to something other than a collective mark.

(5) The Registrar may direct that a way of using a collective trademark be shown at the time of registration.

(6) Collective marks consisting of such signs or indications bearing the geographical origin of the goods or services in commerce may be registered.

Provided, however, that the owner of such collective mark shall not be entitled to prevent any other person from using a similar mark or indication in accordance with the practice of industry or trade.

(7) Regulations governing the use of collective marks shall not be contrary to the public policy of the Government of Bangladesh or any

ethical principles adopted.

(8) Regulations governing the use of collective marks shall be open to public inspection in the same manner as other registers and documents are open to the public.

## **Special provisions relating to registration of defensive trademark**

### **28. Provisions applicable to registration of defensive trademark**

Subject to the provisions of Article 43 of the Act and Rule 29, the provisions applicable to the registration of trademarks under Chapters II, III and IV of this Rule shall also apply to the registration of defensive trademark.

### **29. Application for Registration of defensive trademark, etc.**

(1) In case of registration of defensive trademark, the applicant shall submit an application form TM-1 stating the reason why it is the well-known mark along with the applicable fee.

(2) The applicant shall submit an affidavit along with the application containing all grounds for the application.

(3) The applicant shall submit an affidavit and any other necessary evidence which are required by the Registrar or on his own initiative within a time limit authorized by the Registrar.

(4) The various provisions of these Rules shall apply to guarantee trademarks in the same manner as they apply to applications for general trademarks except in individual fields.

(5) Grounds for well-known protection marks shall be open to public inspection in the same manner as other registrations and documents are open to the public.

## **Chapter VI Entries in registers, etc.**

### **30. Entry of information on registered trademarks in the register**

(1) Subject to the provisions of Rule 33, where a trade mark is registered in accordance with paragraph (1) of Article 20, the Registrar shall issue a trademark registration certificate in Form TMR-1 bearing the seal of the Trade Marks Registry and the trademark shall be recorded in Form TMR-2 and included in the registration:

(2) Any trademark to be entered in the register shall contain the following information,

- (a) date of submission of application;
- (b) date of registration;
- (c) priority date in accordance with Article 120 in respect of priority claims;
- (d) the name and address of the owner;
- (e) address of the representative, if any;
- (f) any waiver or restriction of right recorded in the Register, in accordance with this Rule or to be imposed by the Registrar;
- (g) the goods or services designated by the trademark registration;
- (h) information relating to whether the trademark is collective, defensive trademark or certification mark;
- (g) information relating to prior rights or any trademark registered with the consent of the prior trademark owner;
- (j) any other information as the Registrar may prescribe as necessary;

### **31. Entries relating to registration of associate trademarks**

(1) Where a mark is registered as an associate mark with another mark, the Registrar shall enter in the register, the registration number of the first mark and each associate mark and the particulars of the manner in which it is associated with the first mark.

(2) Under paragraph (4) of Article 13, any registered owner may file an application with the Registrar for cancellation of any associated trademark in Form TM-14.

(3) Within 30 (thirty) days of receipt of an application under paragraph (2), the Registrar shall notify the registered owner of his decision in Form TMR-19 and amend the register accordingly.

### **32. Death of applicant before registration**

Subject to the provisions of Article 92, if the applicant dies before any registration of the trademark, any party concerned may be substituted as the beneficial heir of the said deceased person by applying in TM-16 form and the person so substituted shall be considered as the applicant.

### **33. Correction of errors in the application form before issue of registration certificate**

(1) If there is any error in the application, the registrar shall notify the applicant the contents of the trademark registration in TMR-14 and the correction in form TMR-16 before issuance of the certificate of registration, in accordance with Rule 30.

(2) If the applicant does not file Form TM-11 within 30 (thirty) days of receiving the notice under paragraph (1), the Registrar shall notify a defect in Form TMR-8.

(3) If the applicant does not correct the application for registration within 21 (twenty one) days of receipt of Form TMR-8, the Registrar shall reject the application and notify the applicant the abandonment/rejection in Form TMR-9.

### **34. Display the registration book**

The public can visit during the office hours by applying in Form TM-21 with the prescribed fee.

### **35. Application for any entry other than certificate of registration, etc.**

(1) Subject to the other provisions of this Rule, any person may request for the provision of any entry or information specified in the registration form, if submitting TM-31 form to the Registrar along with the applicable fee without the certificate of registration. The Registrar shall provide the relevant entry or information within 30 (thirty) days of receipt of the request.

(2) Before providing the information under paragraph (1), the Registrar may, if necessary, within 20 days after receipt of the request, request from the applicant the information, concerning any interest with respect to any entry or information contained in the application.



(3) The Registrar shall not be subject to the obligation to make any copy of the mark in any information given under this Rule unless the applicant submits a suitable copy for that purpose.

(4) The Registrar shall not provide any information which is not open to public inspection under the Act or this Rule.

## **Chapter VII Renewal and Reinstatement of Registration**

### **36. Renewal of registration**

(1) The registered owner shall apply to the Registrar for renewal of registration in Form TM-12 at least 3 (three) months before the expiration of the trademark registration. If the renewal application is found to be valid, the Registrar shall issue a certificate of renewal in Form TMR-18 sealed with the seal of the Trade Marks Registry and the renewal information will be recorded in TMR-2 form.

(2) If an application is not made under paragraph (1), the Registrar shall issue a notice in Form TMR-3 informing the registered owner of the trademark at least 2 (two) months before the expiration of the trademark.

(3) After receiving the notice under paragraph (2) and if the registered owner does not apply for renewal in Form TM-17 within a period not exceeding 6 (six) months from the date of expiration of the registration, the Registrar may remove the concerned trademark from the Register and publish the notice thereof in the Gazette.

### **37. Application for Reinstatement of registration**

(1) If any trademark is removed from the Register under paragraph (3) of Rule 36, an application in TM-13 form for the reinstatement of the concerned trademark shall be made to the Registrar within 1 (one) year after the expiration of the period.

(2) In the case of an application under paragraph (1), the Registrar may direct the applicant in Form TMR-19 to provide additional information or evidence in the form of an affidavit within the prescribed period.

(3) After receiving an application under paragraph (1), the Registrar considers all the facts and is satisfied after considering all the information that it is expedient to reinstate the trademark removed from the register under paragraph (3) of Rule 36, then the Registrar may, subject to such conditions as may be prescribed, resume the registration.

(4) If the registration of a trademark is reinstated under paragraph (1), the date of reinstatement shall be published in the Gazette.

## **Chapter VIII Methods of disposition and transfer**

### **38. Application for Registrar's decision on validity of assignment or transfer**

(1) The owner of a registered trademark who has decided to assign or transfer it shall apply to the Registrar in Form TM-20 along with the applicable fee.

(2) The Registrar, if necessary, may direct the concerned applicant to submit necessary information and documents in support of the proposed ownership or transfer in TMR-19 form.

(3) Within 1 (one) month from the date of receipt of the application under paragraph (1), the Registrar shall issue a certificate in Form TMR-11 to the owner after considering whether the proposed disposition or transfer is conducive to public interest or not.

(4) The owner who wishes to raise an objection against the decision of the Registrar under paragraph (3) may apply to the Registrar for a hearing in TM-23 form within 1 (one) month from the date of receipt of the decision.

(5) Within 1 (one) month after receiving the application for a hearing under paragraph (4), the Registrar shall send a notice to the applicant specifying the date, time and place of the hearing.

(6) If the applicant under paragraph (4) does not apply for a hearing within the prescribed time or fails to appear at the prescribed hearing, the decision of the Registrar shall be deemed final.

(7) If the applicant appears at the hearing, the Registrar shall conduct the hearing, take a decision and notify the owner of the concerned trademark.

### **39. Application for registration of assignment or transfer**

(1) Any person who becomes the owner of a registered trademark by assignment or transfer shall, within 6 (six) months of receipt of the certificate under paragraph (3) of Rule 38, either alone or jointly with the registered owner, apply to have his title recorded

in the register to the Registrar in Form TM-24 along with the applicable fee.

(2) The following details shall be mentioned along with the application form under paragraph (1), as follows: -

(a) the full name and business address of the applicant and, if the applicant is a partnership, the full names of all partners;

(b) A certified copy of the document on the basis in support of the right of the applicant, if any:

Provided that the Registrar may at any time direct to file the original of the said document;

(c) If the applicant cannot provide documentary evidence of the title, the application is accompanied by complete information about the information on the basis of which he claims to be the owner of the considered mark;

(d) In case of proprietorship other than business reputation

(i) whether at the time of disposition the mark has been used in any trade in the goods or services concerned; And

(ii) whether the disposition is in respect of any matter other than the reputation of the business;

**40. Application for direction regarding publication of notice in case of proprietorship without business reputation**

(1) In case of ownership other than business reputation, within 6 (six) months from the date of ownership, the owner shall apply to the Registrar in Form TM-22 for instructions regarding the circulation of notices:

Provided, however, an application for extension of the said period must be made to the Registrar on Form TM-19 and the Registrar may extend the period by a maximum of three months.

(2) Within 1 (one) month of the receipt of the application under paragraph (1), the Registrar shall issue the notice to the owner in TMR-19 form regarding the publication of the notice within the specified period and the following points shall be taken into consideration in issuing such notice:

(a) The notice shall be published on the first or last page of at least 1 (one) national daily newspaper;

(b) the notification shall state to the effect that the appropriation relates to matters other than the reputation of the business concerned;

- (c) the notice shall contain the full name and address of the assignee of the right and the assignor of the right;
- (d) the trademark registration number, class, mark and full description of goods or services;
- (e) in the case of an unregistered trademark, the description of the trademark, class, goods or services and the number of the registered trademark to which the unregistered trademark relates under Article 35(2) shall be in the class, goods/services and trademark notification;
- (f) any other conditions, if any, which in the discretion of the Registrar may be imposed;

(3) A copy of the notice of publication shall be on file with the Registrar.

#### **41. Entry of proprietorship in the registration book**

In case of registration of assignment or transfer of ownership in respect of a registered trademark or any right thereof under Article 40, the following information shall be entered in the registration form, namely:-

- (a) the name and address of the assignee or transferee;
- (b) the date of acquisition or transfer;
- (c) if any right in the mark is assigned or transferred, a description of that right;
- (d) the name and date of publication of the notice of acquisition or transfer;
- (e) particulars of the document or instrument conferring title;
- (f) In the case of transfer of a trade mark or any right thereof registered by a court
  - (i) the name and address of the assignee;
  - (ii) the name of the Court, the case number and the date of the order; And
  - (iii) A description of any right of the mark, where it is transferred.;

#### **42. Individual Registration**

If more than one person is registered as the owner of a registered trademark by reason of division and separation of goods or services or place or market as a result of disposition, each registration shall be deemed to be a separate registration for the purposes of the Act.

**43. Assignment or Transfer of certification marks and associated marks**

(1) Application for approval of the Government regarding assignment or transfer of certification mark shall be submitted to the Secretary through the Registrar with the prescribed fee in Form TM-20.

(2) After receiving the application under paragraph (1), the Registrar shall forward it to the Government with his comments and recommendations.

(3) After receiving the application under paragraph (2), the Government shall consider it and issue a decision regarding the assignment or transfer of ownership to the applicant in TMR-11 form.

(4) After being notified of the decision in accordance with paragraph (3), an application shall be made in TM-24 form for registration of assignment or transfer of certification mark.

(5) If a registered trademark has an associated mark, the assignment or transfer should be submitted together with the associated mark and the application for assignment or transfer should be submitted in TM-24 form with the associated mark.

## **Chapter IX Provisions Regarding registered user**

### **44. Application for registration as a registered user**

(1) If a person is proposed to be permitted to register as a registered user of a trademark, the registered owner and the proposed registered user shall jointly apply to the Registrar in Form TM-28 along with the applicable fee.

(2) A separate application shall be filed for each proposal under paragraph (1).

(3) While considering the application for registration as a registered user, the following points shall be considered to prevent trade in goods or services under the said mark, namely: -

(a) whether the use of the trademark proposed to be registered in the agreement entered into between the registered owner and the proposed registered user is being used in whole or in part in respect of goods or services in the existing business of the registered owner;

(b) whether the contract executed between the registered owner and the proposed registered user contains provisions relating to product or service specifications and quality control; And

(c) any other conditions imposed by the Registrar.

(4) If the Registrar is satisfied that the conditions referred to paragraph (2) of Article 45 have been fulfilled, the registered user shall be registered.

### **45. Information to be entered by the registered user in the registration form**

If a person is registered as a registered user under Article 45, the following information shall be entered in the registration form, namely: -

(a) the name, address and description of the registered user;

(b) If the permitted use is exclusive, mention thereof;

(c) specifying any restrictions on permitted use, if any; And

(d) Period of Permitted Use.

### **46. Modification or cancellation of registered user's registration**

(1) The registered owner or the registered user of a trademark under Article 47, or any person or any registered user, may apply to the

Registrar in Form TM-25 along with the applicable fee for modification or cancellation of registration.

(2) If an application for modification or cancellation of the registration of a registered user is made by a person other than the registered owner or the registered user of a trademark, the Registrar shall notify the trademark owner or the registered user in writing in TMR-19 form of such application.

(3) If the person receiving a notice under paragraph (2) wishes to participate in the proceedings, he shall notify the Registrar in Form TM-32 with appropriate fee within 1 (one) month of receiving the notice.

(4) For the purpose of disposal of applications and proceedings under this Rule, the Registrar shall notify the registered owner, the registered user and the applicant of the date and time fixed for the hearing, and the provisions of Rules 18 to 23 shall apply mutatis mutandis in the case of disposal of the hearing.

(5) If the mark subject to such modification or cancellation is related to or affected by more than one registered user, each of them shall file a separate application.

(6) If the Registrar decides to cancel or modify the registration of the registered user concerned, he shall modify the registration accordingly and notify the registered owner, the registered user and the applicant referred to in paragraph (2), if any, of such cancellation or modification.

(7) If the registration of a registered user is for a fixed period, after the expiry of the said period, the Registrar shall remove the relevant entry from the register.



## **Chapter X Correction, alteration, etc. of registration book entries**

### **47. Application for correction of a registration book entry by the registered owner**

The registered owner of a trademark shall apply to the Registrar in Form TM-33, along with applicable fees, for the correction of any entry registration book.

### **48. Application for cancellation, alteration or correction of any entry outside the register by the registered owner, the registered user or any aggrieved person**

(1) For the alternation or cancellation of any entry in the register under Articles 42 (1), 43(4), 51, 52, 53 or 54(3) by the registered owner, the registered user or any person aggrieved in matters other than those referred to in Rule 52, Application for alternation or cancellation shall be made to the Registrar in Form TM-26, TM-27 or TM-29, as the case may be, along with applicable fees.

(2) If any person other than the registered owner claims his interest in any registered trademark in respect of the subject matter of the application under this Rule, he may apply to the Registrar in Form TM-32 for admission to the proceedings stating the nature of his interest.

(3) After receiving an application for inclusion under paragraph (2), the Registrar may, if necessary, admit the said person after hearing the parties.

(4) The Registrar may, if necessary, direct that the information and evidence submitted with the application under this Rule shall be filed in the form of an affidavit on form TM-18.

(5) The provisions of Rules 18 to 23 shall apply mutatis mutandis to the disposal of applications under this Rule.

### **49. Publication of notice in the Gazette**

(1) The Registrar shall publish a notice of such application or proposal in the Gazette before deciding on an application for a business or letter issue address or a waiver or memorandum entry in the Register.

(2) Any person who, within 2 (two) months of the date of publication of the notice referred to in paragraph (1), wishes to oppose such application or proposal may apply to the Registrar, stating the reasons, and the provisions of Rules 18 to 23 shall apply mutatis mutandis to the disposal of applications.

#### **50. Appeal to the High Court Division**

(1) A person aggrieved by any order or decision of the Registrar may appeal to the High Court Division within 2 (two) months of receiving a copy of the order or decision.

(2) In case of filing of every appeal filed in the High Court Division, a copy of the documents relating to the filing of the appeal along with the name of the trademark representative or attorney and the number of the said appeal case shall be filed in the registry.

#### **51. Provisions relating to orders of High Court Division**

(1) When an order is passed in a case under the High Court Division, the person in whose favour the order has been passed shall submit to the Registrar a copy of the order and, if correction or alteration is required in the registration book, Submit application in Form TM-26 or TM-27, as the case may be, together with the applicable fee.

(2) The registrar shall make necessary corrections or changes in the register in accordance with the order of the court.

(3) If the Registrar considers it expedient to publish any order of the High Court Division, the Registrar may publish the said order or the substance of the order, as the Registrar thinks fit, in the Gazette.

#### **52. Certificate of Validity**

(1) If a certificate of validity of a registered trademark is issued in support of the owner of a trademark under Article 110, he shall request the Registrar in Form TM-30 along with a copy of the certificate to record its entry in the register after paying the applicable fee.

(2) On receipt of a request under paragraph (1), the Registrar shall enter the same in the register as requested and, if he thinks fit,

publish the certificate of validity or the substance thereof in the Gazette.

**53. Modification, cancellation etc. of Regulations relating to use of certification marks and collective marks**

(1) An application shall be filed to the Registrar in Form TM-8 along with the applicable fee for the purpose of modification or cancellation of any entry outside the register relating to the use of the certification mark or collective mark and for the purpose of modifying the Regulations and if such application is filed, the Registrar may, subject to the permission of the Government, cancel, alter or modify the relevant entry.

(2) If any entry under paragraph (1) is desired to be cancelled, altered or modified, the Registrar shall take the necessary steps to publish notice thereof in the Gazette and within 2 (two) months from the date of publication of the notice in the Gazette any person who oppose the proposed modification shall file an application to the registrar in TM-5 form along with the fee.

(3) If any opposition is filed in accordance with paragraph (2), the provisions of Rule 18 to Rule 23 shall apply with mutatis mutandis to the settlement thereof.

**54. Cancellation of registration of the collective mark**

The registration of a collective mark shall be cancelled for the following reasons, including all the reasons for which the registration of a mark is cancelled under the law, namely:

- (a) causing confusion through the use of collective marks;
- (b) failure to comply with, or fails to ensure compliance with, the conditions of the Regulations relating on the use of collective marks;
- (c) modifying the Regulations governing the use of collective marks without the permission of the Registrar;
- (d) Regulations relating to the use of collective marks are contrary to the public policy or any accepted ethical principles of Bangladesh.

## **Chapter XI Special provisions regarding textile products**

### **55. Provisions applicable to the registration of textile marks**

Subject to the provisions of this Chapter, the provisions applicable to other trademarks under this Rule shall also apply with mutatis mutandis to the registration of textile marks.

### **56. Application for the registration of marks, etc., in respect of textile goods, in respect of words, letters, numbers or combinations thereof**

(1) An application for the registration of a mark consisting of only pronounceable words or words, or consisting of letters, numbers, or both, shall be filed with the Registrar in Form TM-1.

(2) Textile marks consisting only of letters or numbers or both referred to the Fifth Schedule, a separate application for registration of a trade mark shall be made.

(3) Subject to paragraph (2), for the purpose of the application for registration of a textile mark consisting of letters or numbers or both, the items set forth in Part I of the Fifth Schedule to this Rule shall be classified, and all goods belonging to each class shall be deemed to be goods of the same description and goods belonging to different classes shall be deemed to be goods of different description which are classified in the second part of the Fifth Schedule.

(4) The registrar shall not register any mark which is similar, confusingly similar or deceptively similar to any mark registered or previously applied for registration in the same class as referred to in the Fifth Schedule.

### **57. Restrictions on the registration of certain marks**

(1) The following marks shall not be registrable in respect of textile goods, namely: -

(a) Any number of one digit or any number of more than six digits, which is even Not a balanced numeral;

(b) a letter or a combination of more than six letters, which is not an even number;

(c) a combination of numbers or letters exceeding eight digits;

(d) any fractions or fractions having more than eight digits

together;

(e) A fraction or a combination of less than three digit letter fractions;

(f) sum of any number and fraction of more than six digits;

(g) any number, letter, fraction and sum of letter fractions, having more than eight digits or ending with a fraction having more than one digit in the numerator or denominator;

(h) numbers or letters indicating the measurement of the cloth;

(i) an even number of at least two digits more or not less than two digits already registered in the name of different persons in relation to the same product or goods of the same description.

(2) No such trademark consisting of numerals, letters, fractions, fractions of letters or their sum, which is not an even number, shall be registrable as a textile mark, unless it differs from a trade mark registered in the name of a different person in respect of the same goods or goods of the same description -

(a) At least one duplicate digit for a number of not more than four digits;

(b) At least two duplicate digits in the case of five-digit numbers, ;

(c) At least three duplicate digits in case of six digit numbers;

(d) At least one duplicate letter in case of combination of two letters;

(e) At least two duplicate letters in case of combination of three or four letters;

(f) At least three duplicate letters in case of combination of five or six letters;

(g) if the mark is a combination of one letter and one digit number, at least one of which is identical;

(h) if the mark is a combination of a letter and a number of two or three digits, at least one duplicate digit;

(j) if the mark is a combination of a letter and a number of four or more digits, at least two duplicate digits;

(j) if the mark is a combination of two or more letters and one or more digits, at least one duplicate letter and one duplicate digit;

(k) in the case of fractions or letter fractions or their sum, if the total number of digits in the numerator and denominator is three or four, at least one double digit in the numerator or denominator;

(l) in the case of fractions or letter fractions or their sum, if the total number of digits in the numerator and denominator is five

or more, at least one duplicate digit in the numerator and one duplicate digit in the denominator or at least two duplicate digits in the numerator or denominator;

(m) if the mark is the sum of a number and a fraction, at least one double digit;

(n) if the mark is a combination of letters, numbers and fractions (including letter fractions)–

i. if the total number of digits excluding fractions is more than three, at least one duplicate digit;

ii. If the total number of digits excluding fractions is four or more, at least two duplicate digits.

(3) Nothing in the said paragraph shall be construed as causing any person to be deceived or confused by a trademark not falling within the scope referred to in paragraph (2).

(4) If an application for registration of a mark consisting of letters, numerals or both is applied for in respect of the same textile product and from the date prior to the date of such application, the applicant or his owner in business has added or altered the original form of the said mark or the originality of its identity without impairing: If such mark is in continuous use, the Registrar shall not refuse to the register such mark on the ground that it does not fulfill the conditions of clause (j) of paragraph (1) or the restrictions of paragraph (2).

Explanation: In pursuance of the purpose of this Rule

(a) "even number" means a mark consisting of not less than three and not more than seven digits of the same type or letters of the same type;

(b) "digit" shall mean a single letter;

(c) "letter fraction" means a fraction consisting of one or more letters.

#### **58. Sampling of textile products**

(1) If an application is made for the registration of a textile mark, the Registrar may direct the concerned applicant to bring a reasonable quantity of textile products for the purpose of determining the uniform number, quantity, size, gauge or weight of the textile products claimed by the applicant.

(2) The Registrar shall randomly collect samples from three items of

each class of goods and place them in three separate envelopes or containers and mark the samples on the envelopes or containers. Record the contact and seal it.

(3) A sample of the samples so collected and preserved shall be sent to the competent authority of the Government for verifying the accuracy of the quality and parameters (parameter) given in the application for registration of a sample trademark and a sample shall, if necessary, be kept in the records of the Registry for further verification.

(4) The Registrar shall record the result of textile product sample test received from the competent authority of the government.

**Chapter XII Registration of Attorneys, trademark representatives, etc.**

**59. Registration and Qualification of Trademark representative, etc.**

(1) A person shall file an application to the Registrar in Form TM-2 for registration as a trademark representative along with the applicable fee.

(2) A person to be a trademark representative shall possess the following qualifications, namely: -

- (a) shall be a citizen of Bangladesh;
- (b) shall be a permanent resident of Bangladesh;
- (c) his principal place of business shall be in Bangladesh;
- (d) Bachelor's degree in any subject from a recognized university and at least 2 (two) years of experience under the supervision of a registered trademark representative or specialized training in intellectual property including trademarks or, at least 2 (two) years of work experience under a trademark registry; And
- (e) who has acted to the satisfaction of the Registrar as a registered agent before the coming into force of this Rule.

(3) After receiving the application under paragraph (1), if the Registrar is satisfied that the applicant has all the qualifications to be a trademark representative, then he shall fix a date within three (three) months of the receipt of the application for the purpose of verifying the knowledge and skills of the applicant regarding the laws and Rules relating to trademarks, and issue instructions in Form TMR-19 to appear before him.

(4) If the Registrar is satisfied that the applicant is eligible to be a trade mark representative under paragraph (3) after interviewing the Trademark Representative and verifying any other information deemed necessary by the Registrar, the Registrar shall grant the applicant's application for registration and direct the applicant to pay a fee in Form TMR-19 for registration as trademark representative for the calendar year ending on 31st December of that year.

(5) If the applicant submits the representative registration fee in form TM-3, the registrar shall record it in form TMR-20 and the registration shall be valid.



**60. Renewal of Registration of Trademark Agent, etc.**

(1) The registered trademark representative shall apply to the Registrar in Form TM-3 with the applicable fee within 31st December every year for the purpose of renewal of his registration and if the Registrar is satisfied that the trademark representative has not violated any of the conditions of registration, he shall renew the registration of the trade mark representative for the next one year and register it in Form TMR-20.

(2) Notwithstanding anything contained in paragraph (1), if a registered trademark representative fails for reasonable cause to apply for renewal of registration by 31st December, he may apply in Form TM-3 with late fee by 31st March of the following year.

(3) If the application for renewal of registration under paragraph (2) is not filed by March 31, the registration of the said trademark representative shall be automatically canceled on June 30.

(4) If the registration of a trademark representative is canceled due to non-renewal of registration, he may submit an application to the registrar in Form TM-3 along with the annual renewal fee and the fee applicable for the renewal of registration along with the renewal fee stating the reasons for not applying for renewal of registration in time.

(5) Upon receipt of an application under paragraph (4) the Registrar shall, if deemed fit, reinstate the registration or, if not deemed fit, disapprove the application for reinstatement of registration and notify the reasons for disapproval in form TMR-19 within two (two) weeks.

(6) If a trademark representative's application for reinstatement of registration is not granted under paragraph (5), the trademark representative concerned may apply to the Registrar for reconsideration within 2 (two) weeks of notification of the decision and within three (three) months of receiving the application, the Registrar shall give his decision in the form TMR-19.

(7) If anyone is aggrieved by the decision of the Registrar, an

appeal against the said decision shall be made to the High Court Division within 3 (three) months from the date of receipt of the decision.

**61. Registration book of trademark representative**

(1) The Registrar shall maintain a registration book of trademark representatives in Form TMR-20, which shall contain the name, residential address, business address, nationality, qualification and date of registration of the trademark representative.

(2) The Registrar shall, from time to time, publish in the Gazette the Register of trademark representatives and at least once every year shall arrange the names of the registered trademark representatives included in the Register in alphabetical order and provide the copy to each branch office of the Registry.

**62. Remove of the name of the trademark representative from the register**

The Registrar may remove the name of a trademark representative from the register for any of the following reasons subject to review after hearing the person concerned, namely: -

- (a) If the qualification referred to in paragraph (2) of Rule 59 does not exist;
- (b) convicted of any criminal offence;
- (c) if declared insolvent by any competent court;
- (d) has been declared mentally unsound by a competent court, or has been wrongly entered in the register or has been registered with concealment of any fundamental information.

## **Chapter XIII Provisions**

### **63. Pre-hearing**

(1) Before accepting the application or proceedings related to the registration, the Registrar may give at least 14 (fourteen) days prior notice specifying the date and time for the parties to attend the pre-hearing.

(2) In the pre-hearing, the Registrar may issue necessary instructions in form TMR-19 regarding the application or proceedings related to the registration after taking the views of the parties concerned.

### **64. Extension of time**

(1) An extension of time for disposition of any proceeding under Article 93 shall be filed in Form TM-19 with applicable fee and, if the application for extension of time is granted, the other party shall be so notified.

(2) Within 14 (fourteen) days of being notified of the extension of time under paragraph (1), the aggrieved party shall file his objection with the Registrar in Form TM-34; if no opposition is filed within the said period, he shall be deemed to have consented to the extension of time.

### **65. Reconsideration of the Registrar's decision**

(1) Subject to the provisions of paragraph (5) of Article 91, the Registrar may, on his own initiative or on the application of the applicant or the registered owner or the registered user in Form TM-34, reconsider any decision of the Registrar subject to a hearing and shall notify the decision to the parties concerned in Form TMR-6.

(2) If any party disagrees with the decision of the Registrar, he shall apply for a hearing in Form TM-23 within 2 (two) weeks of being notified of the decision under paragraph (1).

(3) If an application for a hearing is made under paragraph (2), the Registrar may hear and consider the parties concerned and make the appropriate order.

**66. Power of the Registrar to grant exemptions from the obligation to produce documents or evidence**

If any document or evidence is required to be produced by any person under this Rule, however, it is not possible for any reasonable cause to produce such document or evidence, the Registrar may, subject to such conditions, if any, exempt him from the obligation to produce such document or evidence.

**67. Application for search**

(1) In respect of goods or services classified in the Fourth Schedule, the Registrar shall require providing a copy of the trademark in Form TM-4 in order to inquire whether any person has registered or applied for a trademark identical or similar to the said trademark.

(2) The Registrar shall conduct such inquiry within 2 (two) weeks of the receipt of the application under paragraph (1) and inform the applicant of the result of the inquiry in Form TMR-17.

**68. Request for Copies of any Publicly Available Documents**

A person interested in requesting for copies of any publicly available documents may apply to the Registrar in Form TM-21 and the Registrar shall provide a certified copy of the document within 1 (one) month of receipt of the request.

**69. Correction of mistakes**

For the purpose of correction of defects under Article 19, an application should be filed to the Registrar in Form TM-16.

**70. Affidavit to be performed**

(1) Any affidavit under the Act or this Rule as follows:

(a) in accordance with the provisions of the Oaths Act, 1873 (Act No. X of 1873) in relation to the execution of affidavits in Bangladesh;

(b) in case of execution of affidavit in any country other than Bangladesh, of the concerned country in accordance with law applicable to affidavit.

(2) If an affidavit is executed in accordance with paragraph (1) and the signature and seal of an authorized person are affixed to it, the said affidavit shall be deemed to have been duly signed.

**71. Filing of documents in the branch office of the Trademark Registry, etc.**

(1) Any document required to be filed in the Trademark Registry under this Rule shall be filed in the concerned branch office of the Trademark Registry.

(2) The Registrar shall ensure supply of the following documents to the Branch Office of the Trademark Registry, namely: -

- (a) a copy of the updated trademark registration within 1 (one) month after such entry of any registered trademark in the trademark registration book;
- (b) Schedule of Registered Trademarks;
- (c) pending trademark registration applications;
- (d) list of names of owners of registered trademarks;
- (e) list of names of registered users;
- (f) regulations relating to the use of certification marks and applications filed for modification of similar regulations;
- (g) regulations relating to the use of collective marks and applications filed for modification of similar regulations; And
- (h) Trademark Gazette.

**72. Orders for costs in respect of proceedings**

(1) Subject to the provisions of paragraph (2), except where otherwise provided by law, the Registrar may order such amount of costs as he may think fit for the whole proceedings considering the overall situation. Provided that such costs shall not exceed the sum set forth in the Sixth Schedule.

(2) If the applicant does not contest any opposition proceedings, in determining whether an order for costs shall be made against the opponent, the Registrar shall consider whether the proceedings arising would have been avoided if proper notice had been given to the applicant prior to the filing of the notice of opposition by the opponent.

**73. Change of the class of goods or services of the registered trademark**

(1) Subject to the provisions of Article 54, the Registrar may modify an entry outside the register for the purpose of changing the class of goods or services of a registered trademark or, if the

International Classification of goods or services is amended, for the purpose of changing the class of a registered trademark.

(2) Before making a change in the class of goods or services registered under paragraph (1), the Registrar shall notify to the owner of the mark the proposed amendment in Form TMR-10.

(3) If the owner raises written oppositions within 3 (three) months of receiving the notice under paragraph (2), the Registrar shall immediately consider the oppositions and take a decision or propose the modification. If no oppositions are raised within the said period, the Registrar shall immediately the modification proposal will be published in the Gazette.

(4) Any person aggrieved may, within 2 (two) months of the publication of the proposal in the Gazette under paragraph (3), file a notice of objection with the Registrar in Form TM-5 stating the reasons for being aggrieved and requesting a hearing in Form TM-23.

(5) If no notice of objection is filed within the time prescribed under paragraph (3) or if a decision is taken regarding the objection, the Registrar shall modify the register accordingly.

#### **74. Trademark Gazette**

(1) The Registrar shall publish a gazette, which is called the Trademark Gazette, which shall contain all particulars of the application for registration of the trademark, including a copy of the mark, such particulars as may be required to be published under this Rule and such other particulars as the Registrar may deem appropriate.

(2) The Trademark Gazette shall be published in printed form and shall also be published on the website.

## **Chapter XIV Revocation and Custody**

### **75. Revocation and Custody**

(1) The Trade Marks Rules, 1963, hereinafter referred to as the said Rule, are hereby repealed.

(2) Notwithstanding such repeal, any act or action taken under the said Rules shall be deemed to have been done or taken under these Rules and the provisions of the said Rules shall apply to any application, proceedings, etc. filed under the said Rules before the coming into force of these Rule, as if these Rules were not made.

SCHEDULE (Omitted)